



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

JAN 14 1997

Reply To
Attn Of: ORC-158

Langdon Marsh, Director
Oregon Department of Environmental Quality
811 S.W. 6th Ave
Portland, OR 97204

RE: Petition for Revocation of EPA Approval for Oregon
Clean Air Act and Clean Water Act Permitting Programs

Dear Mr. Marsh: *Lang*

This is to inform you that we have received a petition from the Northwest Environmental Defense Center, Oregon Trout, and the Oregon Chapter of the Sierra Club requesting the withdrawal of approval for the Clean Water Act National Pollution Discharge Elimination System (NPDES) program and the Clean Air Act (CAA) Title V operating permits program in Oregon. The petition asserts that these programs no longer meet federal minimum requirements for standing to obtain judicial review of permitting actions in light of a recent Oregon Supreme Court case, Local No. 290, et al. v. Oregon Department of Environmental Quality, et al., filed July 18, 1996. The petition specifically claims that this decision eliminates representational standing, that is, the ability of an organization to obtain judicial review on behalf of its individual members, and that this constitutes a deficiency under the relevant rules for federal approval.

We are currently reviewing the import of the Local 290 decision with respect to federal standing requirements under the NPDES and CAA Title V programs. In conducting this review, we will also be considering the October 21, 1996 memorandum from Shelley McIntyre, Assistant Attorney General for the State of Oregon, which addresses Local 290 and its effect on standing requirements under state law. We anticipate that these documents will provide a sufficient basis for EPA to make a finding on the merits of the petition. However, if it is necessary to obtain further clarification from the State regarding the current status of state standing requirements, we will contact your office or the Attorney General's office with more specific inquiries.

If you have questions about this matter, please contact Adan Schwartz in the Region 10 Office of Regional Counsel at (206) 553-0015.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chuck", written in dark ink.

Chuck Clarke
Regional Administrator

cc: Karl Anuta